



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald R. Huffman, et al. Examiner: P. DiMauro

Serial No.: 08/236,933

Art Unit: 1103

Filed: May 2, 1994

Docket: 7913ZAZY

For: NEW FORM OF CARBON

Dated: March 26, 1998

Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL UNDER 37 C.F.R. §1.129(a)

Sir:

In accordance with the provisions of 37 C.F.R. §1.129(a), Applicants request entry and consideration of a first submission after final rejection, namely the Response under 37 C.F.R. §1.116 dated September 22, 1997 and the Amendment dated March 26, 1997. Applicants wish to thank Examiner DiMauro for advising them in a courtesy phone call that the '116 Amendment dated September 22, 1997 was entered and considered on the merits. But, in the Advisory Action that was issued, the record seems ambiguous on this point, because the Advisory Action indicates that this Amendment after final will be entered upon the filing of the Appeal Brief. Even the Advisory Action commences with the assumption that an Appeal Brief will be filed and purports to discuss entry and consideration of the Amendment after final in view of this assumption. Under these circumstances, it is not clear whether the Amendment under 37 C.F.R. §1.116 dated September 22, 1997 will be entered. To make the record clear, applicants are resubmitting the Response under 37 C.F.R. §1.116

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on March 26, 1998.

Dated: March 26, 1998

Mark J. Cohen
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with the executed Declaration of Wolfgang Kratschmer attached thereto and is requesting entry and consideration thereof, if not previously entered.

Please charge the Deposit Account No. 19-3886 for \$395.00 to cover the requisite fee as set forth in 37 C.F.R. §1.17(r). Any additional fee required for the proper filing of this submission may be charged to Deposit Account No. 19-3886. A duplicate copy of this paper is enclosed. Applicant notes that the submission and fee are being filed prior to the filing of an Appeal Brief under 37 C.F.R. §1.192 and prior to abandonment of the application.

Accordingly, Applicant respectfully requests withdrawal of the "finality" of the previous final rejection and entry and consideration of the enclosed amendment on the merits.

Respectfully submitted,



Mark J. Cohen
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MJC/bb